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New York Law School
185 West Broadway
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E-Mail: richard.chused@nyls.edu

EDUCATION:

University of Chicago Law School:

Juris Doctor (1968)
National Honor Scholar (1965-1968)
University of Chicago Law Review (1966-1968); Topics & Comment Editor (1967-1968)

Brown University:

A.B., *cum laude* (1965)
Dean's List (1962, 1963, 1965)

PROFESSIONAL CAREER:

New York Law School:

Professor of Law (2008-present)
Faculty Bio: www.nyls.edu/faculty/faculty-profiles/faculty_profiles/richard_chused/
Blog Page: www.richardchused.org

Fulbright Fellow and Senior Scholar, Law Faculty, Hebrew University, Jerusalem, (2004-2005)

Georgetown University Law Center:

Professor of Law (1985-2008)
Associate Professor of Law (1973-1985)

Rutgers University School of Law (Newark):

Associate Professor of Law (1971-1973)
Assistant Professor of Law (1968-1971)

SCHOLARSHIP:

[Note: Much of the published scholarship is available on the New York Law School Digital Commons at my author page. Go to: <http://digitalcommons.nyls.edu/>.]

Work in Progress:

Materials on Land Use Controls for Use in a Seminar on Implicit Racial Bias: These materials are for use in the New York Law School Seminar on Race, Bias, and Advocacy, an experimental course offered by a multitude of faculty members dealing with various settings in which implicit bias plays an important role in the operation of legal norms.

The Temperance Movement's Impact on Adoption of Women Suffrage: A conference presentation to be followed by publication of a paper in the Akron Law Review.

Published Work:

Intellectual Property:

- Sculpture, Industrial Design, Architecture, and the Right to Control Use of Publicly Displayed Works*, 17 Nw. J. Tech. & Law ____ (2019) [Awaiting publication.]
- “Temporary” Conceptual Art: Property and Copyright, Hopes and Prayers*, 45 RUTGERS COMPUTER & TECH. L. J. 1 (2019)
- Some Thoughts About Fair Use and Harm to Third Parties*, 67 UCLA L. REV. DISC. 104 (2019)
- Moral Right: The Anti-Rebellion Graffiti Heritage of 5Pointz*, 41 COLUM. J. L. & ARTS 583 (2018); <https://lawandarts.org/article/moral-rights-the-anti-rebellion-graffiti-heritage-of-5pointz/>
- Appropriate(d) Moments*, 26 FORDHAM INTELL. PROP., MEDIA & ENT. L. J. 103 (2015). [Selected as one of the best articles of 2015 related to entertainment, publishing, and/or the arts for inclusion in the 2016 edition of ENTERTAINMENT, PUBLISHING, AND THE ARTS HANDBOOK, an anthology published annually by Thomson Reuters (West)] <http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1612&context=iplj>
- The Legal Culture of Appropriation Art: The Future of Copyright in the Remix Age*, 17 TULANE J. TECH. & INTELL. PROP. 163 (2014).
- Rewrite Copyright: Protecting Creativity and Social Utility in the Digital Age*, 38 ISRAEL L. REV. 80 (2005)
- A COPYRIGHT ANTHOLOGY: THE TECHNOLOGY FRONTIER (Anderson Publishing Company 1998)

Legal History (Gender):

- GENDERED LAW IN AMERICAN HISTORY (Carolina Academic Press 2016) (With Professor Wendy W. Williams) [Otto Walter Distinguished Writing Award, New York Law School, 2017] [Comprehensively Reviewed by Janet Halley at <https://family.jotwell.com/found-in-the-archive/>]
- Courts and Temperance “Ladies,”* Ch. 1 in TRACY A. THOMAS & TRACEY JEAN BOISSEAU (EDS.), FEMINIST LEGAL HISTORY 33-51 (N.Y.U. Press 2011) [Abridged Version]
- Courts and Temperance “Ladies,”* 21 YALE J. L. & FEMINISM 339 (2010) [Unabridged Version]
- A Brief History of Gender Law Journals: The Heritage of Myra Bradwell’s Chicago Legal News*, 12 COLUM. J. GENDER & L. 421 (2003)
- The Spousal Letters of Samuel R. Thurston* (with James Perry & Mary DeLano) 96 ORE. HIST. Q. 4 (1995)
- History’s Double Edge: A Comment on Modernization of Marital Status Law*, 82 GEO. L. J. 2213 (1994)
- PRIVATE ACTS IN PUBLIC PLACES: A SOCIAL HISTORY OF DIVORCE IN THE FORMATIVE ERA OF AMERICAN FAMILY LAW (U. Pa. Press 1994)
- Gendered Space*, 42 U. FLA. L. REV. 125-161 (1990)
- Married Women’s Property and Inheritance by Widows in Massachusetts: A Study of Wills*

- Probated Between 1800 and 1850*, 2 BERKELEY WOMEN'S L. J. 42-88 (1986)
<http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1010&context=bglj>
- Late Nineteenth Century Married Women's Property Law: Reception of the Early Married Women's Property Acts by Courts and Legislatures*, 29 AM. J. LEG. HIST. 3-35 (1985)
 [Reprinted in NANCY COTT (ED.), 3 HISTORY OF WOMEN IN THE UNITED STATES: HISTORICAL ARTICLES ON WOMEN'S LIVES AND ACTIVITIES—DOMESTIC RELATIONS AND LAW 312 (1992)]
<http://www.jstor.org/discover/10.2307/844982?uid=2&uid=4&sid=21102492844837>
- The Oregon Donation Act of 1850 and Nineteenth Century Federal Married Women's Property Law*, 2 LAW & HIST. REV. 44-78 (1984).
- Married Women's Property Law: 1800-1850*, 71 GEO. L. J. 1359-1425 (1983). [Reprinted in NANCY COTT (ED.), 3 HISTORY OF WOMEN IN THE UNITED STATES: HISTORICAL ARTICLES ON WOMEN'S LIVES AND ACTIVITIES—DOMESTIC RELATIONS AND LAW 312 (1992); K. HALL (ED.), UNITED STATES CONSTITUTIONAL AND LEGAL HISTORY (1987)]

Legal History (Property):

- Marini v. Ireland: Protecting Low Income Renters by Judicial Shock Therapy*, in PAUL TRACTENBURG (ED.), COURTING JUSTICE: TEN LEGAL CASES THAT SHOOK THE NATION 23 (Rutgers University Press 2013)
- Mt. Laurel: *Hindsight is 20-20*, 63 RUTGERS L. REV. 813 (2011) [Lead article of symposium in memory of Professor John Payne]
<http://www.rutgerslawreview.com/wp-content/uploads/archive/vol63/Issue3/Chused.pdf>
- The Roots of Jack Spring v. Little*, 40 JOHN MARSHALL L. REV. 395 (2007).
<http://repository.jmls.edu/cgi/viewcontent.cgi?article=1272&context=lawreview>
- Impoverished Tenants in Twentieth Century America*, in SUSAN BRIGHT (ED.), LANDLORD AND TENANT LAW: PAST, PRESENT AND FUTURE 257-276 (Hart Pub. 2006)
- Javins (a.k.a. Saunders) v. First National Realty Corporation*, 11 GEO. J. ON POVERTY L. & POLICY 191-247 (2004). (Lead article in Tenth Anniversary Symposium) [*Unabridged version*]
<https://articleworks.cadmus.com/geolaw/z5800204.html>
- Javins (a.k.a. Saunders) v. First National Realty Corporation*, in GERALD KORNGOLD & ANDREW P. MORRIS (EDS.), PROPERTY STORIES 121-168 (Foundation Press 2004) and PROPERTY STORIES 2ND ED. 123-170 (Foundation Press 2009) [*Abridged Version*]
- Euclid's Historical Imagery*, 51 CASE WESTERN RESERVE L. REV. 597 (2001)[Lead article in symposium marking the 75th anniversary of the Supreme Court decision in *Euclid v. Ambler*.]
- Landlord-Tenant Court in New York City at the Turn of the Nineteenth Century*, in WILLIBALD STEINMETZ (ED.), PRIVATE LAW AND SOCIAL INEQUALITY IN THE INDUSTRIAL AGE: COMPARING LEGAL CULTURES IN BRITAIN, FRANCE, GERMANY AND THE UNITED STATES OF AMERICA 411-434 (Oxford Univ. Press 2000)

Property:

- 2016 UPDATES TO CASES, MATERIALS AND PROBLEMS IN PROPERTY, 3RD EDITION (2010):
 2016 SUPPLEMENT, 2016 TEACHER'S MANUAL, 2016 ADDITIONAL CHAPTER ON ESTATES IN LAND, 2016 TEACHER'S MANUAL FOR ADDITIONAL CHAPTER ON ESTATES IN LAND

(Carolina Academic Press) [Online publications]
2013 SUPPLEMENT to CASES, MATERIALS AND PROBLEMS IN PROPERTY, 3RD EDITION
(Matthew Bender/Lexis Publishing Company 2010) [Online publication]
TEACHER'S MANUAL for CASES, MATERIALS AND PROBLEMS IN PROPERTY, 3RD EDITION
(Matthew Bender/Lexis Publishing Company 2011) [Online Publication]
CASES, MATERIALS AND PROBLEMS IN PROPERTY, 3RD EDITION (Matthew Bender/Lexis
Publishing Company 2010)
TEACHER'S MANUAL for CASES, MATERIALS AND PROBLEMS IN PROPERTY 2ND EDITION
(Mathew Bender & Company, Inc. 1999)
CASES, MATERIALS AND PROBLEMS IN PROPERTY 2ND EDITION (Matthew Bender &
Company, Inc. 1999)
A PROPERTY ANTHOLOGY 2ND EDITION (Anderson Publishing Company, 1997)
CASES, MATERIALS AND PROBLEMS IN PROPERTY: 1994 SUPPLEMENT (Matthew Bender and
Company, Inc. 1994)
A PROPERTY ANTHOLOGY (Anderson Publishing Company, Inc. 1993)
CASES, MATERIALS AND PROBLEMS IN PROPERTY (Matthew Bender and Company, Inc.
1988)
TEACHER'S MANUAL for CASES, MATERIALS AND PROBLEMS IN PROPERTY (Mathew Bender
& Company, Inc. 1988)
A MODERN APPROACH TO PROPERTY: CASES, MATERIALS AND NOTES (Supplement) (West
Publishing Co. 1980)
*The Current Dilemmas of the Javins Defense: A Note on the Need for Procedural Reform in
Landlord Tenant Law*, 67 GEO. L. J. 1385-1403 (1979)
A MODERN APPROACH TO PROPERTY: CASES, MATERIALS AND NOTES (West Publishing Co.
1978)

Discrimination:

*The Hiring and Retention of Minority and Women Faculty on American Law School
Faculties*, 137 U. PA. L. REV. 537-569 (1988)
http://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=3831&context=penn_law_review
Faculty Parenthood: Law School Treatment of Pregnancy and Child Care, 35 J. LEGAL ED.
568-596 (1985)
ENFORCING EQUALITY IN HOUSING AND EMPLOYMENT THROUGH STATE CIVIL RIGHTS LAWS
(1971) (With Professors Askin and Blumrosen)
ENFORCING FAIR HOUSING LAWS: APARTMENTS IN WHITE SUBURBIA (1970) (With
Professors Askin and Blumrosen)

Criminal Justice and Mental Health:

Faretta and the Personal Defense: The Role of a Represented Defendant in Trial Tactics, 65
CAL. L. REV. 636-685 (1977)
<http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=2410&context=californialawreview>
The Juvenile Court Process: A Study of Three New Jersey Counties, 26 RUTGERS L. REV.
488-615 (1973)
*Due Process For All--Constitutional Standards For Involuntary Civil Commitment and
Release*, 34 U. CHI. L. REV. 633-660 (1967) [Student Note]

HANS WALTER MATTICK & RICHARD H. CHUSED, *THE MISDEMEANANT OFFENDER* (CENTER OF STUDIES IN CRIMINAL JUSTICE, UNIVERSITY OF CHICAGO LAW SCHOOL, 1967) [Unpublished study for Professional Conference of the Illinois Committee of the National Council on Crime and Delinquency, held on April 26, 1967 at the U.S. Court House, Room 2200, Chicago, Illinois]

Book Reviews:

Numerous reviews in various journals, including LAW AND HISTORY REVIEW, THE AMERICAN HISTORICAL REVIEW, THE AMERICAN JOURNAL OF LEGAL HISTORY, THE JOURNAL OF AMERICAN HISTORY, THE CANADIAN HISTORICAL REVIEW and THE JOURNAL OF WOMEN'S HISTORY

Reflections and Essays:

5Pointz: The Anti-Rebellion Message of the Graffiti Dispute, 23 CITY. L. 73 (2017)
Dream Vignettes, 59 N.Y.L.S. L. Rev 111 (2015) [Part of a symposium issue on the 50th anniversary of Martin Luther King's *I Have a Dream Speech*]
<http://www.nylslawreview.com/wp-content/uploads/sites/16/2015/02/Volume-59-1.Chused.pdf>
Dr. Seuss as a Vehicle: An Introduction, 58 N.Y.L.S. LAW REV. 495 (2014) [Introduction to Symposium on *Exploring Civil Society Through the Writings of Dr. Seuss* Held March 1, 2013. The video version is available at: <http://www.nylslawreview.com/dr-seuss-program/>. The printed essay is at: <http://www.nylslawreview.com/wp-content/uploads/sites/16/2014/05/Volume-58-3.Chused.pdf>]
Family (Proper)ty, 1 GREEN BAG 2D 125 (1998). The essay is available online at: http://www.greenbag.org/v1n2/v1n2_articles_chused.pdf
In Memoriam: Professor Frank Flegal, 81 GEO. L. J. 1691 (1993)

Web Sites and Videos:

Part of my career at Georgetown University Law Center is memorialized by two web pages and a video.

The Javins Project Web Site: I built the original version of this web site as a companion to the *Javins (a.k.a. Saunders)* article published in GEO. J. ON POVERTY L. & POLICY in 2004. The site contains additional information on the case, copies of all the court documents in the litigation from both the District of Columbia and federal courts, and pictures of the apartment complex involved in the dispute. The site now is maintained by the Georgetown University Law Library, which provided invaluable assistance in gathering many of the documents I used in writing the article. *The Javins Project* may be found at: <https://repository.library.georgetown.edu/handle/10822/1051083>.

Gender and Legal History Paper Project: While at Georgetown I taught a seminar in Gender and Law in American History with Professor (now Emerita) Wendy Williams. Many of the papers written by students in that course are in the Georgetown University Law Library. Access to them may be obtained at another web page I left behind. See: <https://repository.library.georgetown.edu/handle/10822/1051094>.

Gay Rights Coalition Case Oral History Project: In 1979 the Gay Rights Coalition applied to be recognized as a student organization at Georgetown University Law Center. When

that petition, as well as one pursued by a related student group on the main campus of the university, was denied, a law suit was filed challenging the legitimacy of the decision under the human rights ordinance of the District of Columbia. With the permission of the students, I and two other members of the law school faculty, joined the case as plaintiffs. An oral history video about my participation in the case may be found at: <https://repository.library.georgetown.edu/handle/10822/1041389>.

Blogs (www.richardchused.org):

“Stealing” Abandoned Works of Art and Moral Right (Apr. 26, 2019)
Walls (Jan. 9, 2019)
H&M v. Revok: Use of Street Art in Commercial Ad Campaigns (May 19, 2018)
“Jane Crow” Laws and Contemporary Sexual Harassment (Dec. 24, 2017)
Redux: Gender, Stamina, and Politics (June 11, 2017)
The Anti-Graffiti Heritage of 5Points (April 9, 2017)
Performance Rights in Pre-1972 Sound Recordings: Confounding Result in New York Court of Appeals (Jan. 15, 2017)
Property Ownership: Right or Duty? (Dec. 12, 2016)
Gender, Stamina, and Politics (Nov. 3, 2016)
Remembering 9/11 (Sep. 12, 2016)
Obergefell, Parenthood, and Property (Sep. 6, 2016)
Property, Politics, and Immigration (Sep. 1, 2016)
Wall Street and “Contracts for Deed” (May 25, 2016)
Racism in Cook County Courts (April 28, 2016)

Presentations and Conference Proceedings:

Visiting Scholar and Speaker:

Gifford Distinguished Lectureship in Real Property, University of Hawaii William S. Richardson School of Law, Honolulu, HI (Nov. 3, 2011)
 Allan Axelrod Visiting Scholar, Rutgers-Newark University School of Law, (Mar. 2010)

Speeches and Presentations:

Speaker, *Impact of Prohibition on Adoption of the Suffrage Amendment*, 7th Annual Constitutional Law Conference, The 19th Amendment at 100: From the Vote to Gender Equality (Sept. 20, 2019) [Upcoming]
 Speaker, *Family and Domestic Legal Norms in Alcott’s Youth*, Conference: “Good Wives: Marriage and Family in Little Women Part Second and Beyond,” Louisa May Alcott Orchard House, Concord, MA (July 16, 2019)
 Speaker, *From Picasso to Warhol to Koons: Art Appropriation or Just Plain Theft?*, West Tisbury Public Library, West Tisbury, MA (July 9, 2019)
 Speaker, *Temperance Sit-ins and the Formation of the WCTU*, Panel on Women, Temperance, and Reform, Ninety-Nine Years Since Prohibition: The Diane and Adam E. Max Conference on Women’s History, New York Historical Society (March 3, 2019). The panel discussion is available online at: <https://www.facebook.com/nyhistory/videos/vl.301065720579751/361184354722460/?type=1>

- Gender, Stamina, and Politics*, Event Celebrating the Publication of GENDERED LAW IN AMERICAN HISTORY, New York Law School (Nov. 1, 2016), available online at: <https://www.youtube.com/watch?v=6EzOpjMktOo>.
- Panel Member, *Protecting Your Share, Respecting What's Fair: Sampling and Co-Authorship in Pop, Urban and Dance Music—Relevant Legal Precedent and Practical Legal Tips for Songwriters, Artists and Producers*, Sponsored by the New York State Bar Association, Entertainment, Arts & Sports Law Section Diversity Committee and the Metropolitan Black Bar Association, New York, NY (March 23, 2016). Panel online at: <https://www.youtube.com/watch?v=4Kpn6mgFPW4>
- Appropriate(d) Moments*, Fordham University School of Law (Nov. 12, 2015); New York Family Law Scholars Workshop, Benjamin N. Cardozo School of Law School (May 7, 2015)
- Dream Vignettes*, Presenter at Panel Discussion on Selma: Fifty Years Later, Master Apartments, New York City (May 13, 2015)
- The Shack Case: Derelict or Prophet*, Conference on Poverty Law: Cases, Teaching and Scholarship, American University Washington College of Law, Washington, DC (Oct. 25, 2013)
- History of Infanticide in America at the Turn of the Nineteenth Century*, New York Family Law Scholars Workshop, Benjamin N. Cardozo School of Law (Oct. 4, 2013)
- Landlord-Tenant Law in the 1960s and 1970s*, presented at the Conference on New York City's Housing Court at 40: Controversies, Challenges, and Prospects for the Future, Sponsored by the Association of Housing Court Judges, New York University Furman Center for Real Estate and Urban Policy, and the New York City Bar Association, at the New York City Bar (March 11, 2013)
- Opening Remarks as Co-Convener (with Tamara Belinfanti), Symposium: Exploring Civil Society Through the Writings of Dr. Seuss, New York Law School (March 1, 2013) [Both my remarks and the symposium are available online at <http://www.nylslawreview.com/dr-seuss-program/>.]
- Workshop Presentation on the Culture and Law of Appropriation Art, Parsons School of Design (Feb. 4, 2014) [Most of the Parsons presentation is online at: <http://www.youtube.com/watch?v=2xQsjNBUIZA>, and http://www.youtube.com/watch?v=Wwjg5J_7r44.]; Benjamin Cardozo School of Law (Nov. 13, 2012); Georgetown University Law Center (Oct. 11, 2012); Suffolk Law School (Apr. 13, 2012).
- Rights, Obligations and Property Law*, Gifford Distinguished Lectureship in Real Property, University of Hawaii William S. Richardson School of Law, Honolulu, HI (Nov. 3, 2011)
- Panel Discussant, *The Methodology of Feminist Legal History*, Berkshire Conference on the History of Women (June, 2011)
- History of Landlord-Tenant Law in New Jersey*, Allan Axelrod Visiting Scholar, Rutgers-Newark University School of Law, (Mar. 2010)
- Paper Presenter, *The Roots of Jack Spring v. Little* at Conference on "What King Wrought?": The Impact of the Summer of 1966 on Housing Rights, John Marshall Law School (Sep. 2006)
- Paper Presenter, Conference on Landlord and Tenant Law: Past, Present and Future,

New College in Oxford University, England (2005)

Participant, Workshop on the American Law Institute's *Principles of the Law of Family Dissolution: Analysis and Recommendations*, Woodrow Wilson International Center for Scholars (May 20, 2003). A summary of the gathering may be found at <http://www.wilsoncenter.org/event/conference-workshop-the-american-law-institutes-principles-the-law-family-dissolution> (Visited Aug. 6, 2013)

Panel Moderator, *L is for Lawsuit, D is for Digitize* Symposium (New York Law School, Oct. 9 2009) <http://nyls.mediasite.com/Mediasite/Play/569f7306ff684ef386cd4543c45011ee>

Paper Presenter, Conference on Private Law and Social Inequality in the Industrial Age, German Historical Institute, London, England (1995)

FELLOWSHIPS, PRIZES, AND GRANTS:

Otto Walter Distinguished Writing Award, New York Law School (2017)

Fulbright Senior Scholar Grant, Law Faculty, Hebrew University, Jerusalem (2004-2005)

Faculty Fellow in Computer-Assisted Legal Instruction, Center for Computer-Assisted Legal Instruction (1994-1995)

Bowman C. Lingle Fellow in Urban Studies, University of Chicago Law School (1966-1967)

TEACHING INTERESTS:

Presently Teaching:

Civil Procedure, Copyright, Family Law, Gender and Law in American History, Property

Taught in the Past:

1968: Causes and Consequences, Choice of Law, History of American Legal Thought, Land Use

MEMBERSHIPS AND BOARDS:

Middle East Fulbright Program Peer Review Committee, Council for International Exchange of Scholars, A Division of the Institute of International Education (2009-2011)[Reviewed applications for Fulbright Grants and submits evaluations to host countries for use in making final decisions on approving or denying grants.]

Association of American Law Schools, Standing Committee on Empirical Studies (1992-1995)

American Historical Association, Organization of American Historians, American Society for Legal History

Society of American Law Teachers (Board of Governors, 1982-1994; Webmaster, 1998-2008)

Bars of the District of Columbia, Missouri, United States Supreme Court, United States Courts of Appeals for the Third and District of Columbia Circuits, and United States District Court for the District of Columbia. [All Inactive Status]

Adas Israel Congregation, Washington, DC (1995-2008, Board of Managers, 2003-2007).

Congregation B'nai Jeshurun, New York, NY (2004-2015; Building Committee 2011-2015)

Romemu Congregation, New York, NY (2015-present; Adult Education Committee 2017-present)

(September 4, 2019)